

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
 2 NORTHERN DISTRICT OF OKLAHOMA  
 3  
 4

5 W. A. DREW EDMONDSON, in his )  
 6 capacity as ATTORNEY GENERAL )  
 7 OF THE STATE OF OKLAHOMA and )  
 8 OKLAHOMA SECRETARY OF THE )  
 9 ENVIRONMENT C. MILES TOLBERT, )  
 10 in his capacity as the )  
 11 TRUSTEE FOR NATURAL RESOURCES )  
 12 FOR THE STATE OF OKLAHOMA, )

13 Plaintiff, )

14 vs. )

4:05-CV-00329-TCK-SAJ

15 TYSON FOODS, INC., et al, )

16 Defendants. )

17 - - - - -  
 18 THE VIDEOTAPED DEPOSITION OF  
 19 ROGER OLSEN, PhD, produced as a witness on behalf  
 20 of the Defendants in the above styled and numbered  
 21 cause, taken on the 2nd day of February, 2008, in  
 22 the City of Tulsa, County of Tulsa, State of  
 23 Oklahoma, before me, Lisa A. Steinmeyer, a Certified  
 24 Shorthand Reporter, duly certified under and by  
 25 virtue of the laws of the State of Oklahoma.

A P P E A R A N C E S

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-and-  
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FOR CARGILL:

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## I N D E X

W I T N E S S

P A G E

ROGER OLSEN, PhD

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1           On the solid sides, we -- there's a couple  
2       other components. We did both sediments in the  
3       river and sediments in Tenkiller. So there's water  
4       compartments and then there's sediments compartment.  
5       I think I described each of the components in how  
6       the waste from the house ends up on the field, runs  
7       off, goes into groundwater, eventually into  
8       Tenkiller.

09:28AM

9       **Q**       Okay. Thank you for the explanation. Now,  
10      let me go back to the affidavit and see if I  
11      understand what you meant by this language, okay,  
12      and if I don't, tell me. When you were talking in  
13      your affidavit about showing a direct path from the  
14      place of poultry waste disposal to locations in the  
15      IRW where contamination is found, you were referring  
16      to the various compartments that you had studied and  
17      the fact that the chemical signature that you've  
18      identified is found in each of those compartments;  
19      is that right?

09:28AM

09:28AM

20      **A**       That's correct.

09:28AM

21      **Q**       Okay. So you were not, sir, claiming to have  
22      identified a particular land application site and  
23      then traced geographically edge of field runoff from  
24      that site to a specific place of contamination;  
25      correct?

09:29AM

1 small basins with high flow stations to these  
2 stations that are USGS stations on bigger streams.

3 Q I'm asking you about edge of field. Was there  
4 meant to be coordination between edge of field  
5 sampling and in-stream sampling in terms of 05:48PM  
6 geography and temporally?

7 A That's what I'm trying to tell you. The high  
8 flow stations were set up specifically based on  
9 chicken house density, which has some reflection of  
10 edge of field samples that could be taken from 05:49PM  
11 applied fields.

12 Q If I look at L3, edge of field, am I going to  
13 find that same bacteria subsequently in the stream  
14 in L1?

15 MR. PAGE: I'll object to the form. 05:49PM

16 Q Was that your intent?

17 A I don't know exactly the question. I'll try  
18 to figure out what -- could you restate that? I  
19 don't know if I understand what you are trying --  
20 the question. 05:49PM

21 Q If it were possible to dye trace bacteria and  
22 you put a dye trace marker on the bacteria colony at  
23 edge of field, was it your intent that I would find  
24 that same colony of bacteria subsequently in-stream  
25 as displayed on L3? 05:50PM

1     **A**       That same bacteria, no. That sampling is not  
2     meant to do that. Some of the bacteria are probably  
3     showing up downstream from the edge of fields, but  
4     that was not our intent to try to show that. The  
5     intent of the qPCR is to show that, but this is just  
6     generally sampling for all bacteria.

05:50PM

7     **Q**       How long have you known Dr. Harwood?

8     **A**       I first met Dr. Harwood and talked to her  
9     probably four or five years ago I think.

10    **Q**       And are you the one that brought her into this  
11    team?

05:50PM

12    **A**       I recommended her, but she was hired directly  
13    by the Oklahoma Attorney General.

14    **Q**       Okay, but -- but for the fact that you  
15    recommended her, she would not be part of the team;  
16    isn't that true?

05:50PM

17           MR. PAGE: Object to the form.

18    **Q**       You're the one that first brought up her name?

19    **A**       Yes, I did.

20    **Q**       And you've worked with her on other occasions;  
21    is that true?

05:50PM

22    **A**       Yes. I think I worked with her once.

23    **Q**       Is your income at CDM dependent upon or  
24    directly related to in any way bonuses or otherwise  
25    the amount of revenue that you generate for CDM?

05:51PM